

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

10

INFORMATION

TOPIC

ICCI et al. Petition For Rulemaking Regarding the Application of Manure on Frozen Ground

At the Commission's May 2008 meeting, Iowa Citizens for Community Improvement (ICCI) et al. presented a Petition For Rulemaking. The Petition requests that the Commission institute rulemaking proceedings banning the application of manure on frozen ground.

561 IAC 5.4(2) requires the Commission to grant or deny the Petition within 60 days unless the petitioner agrees to a longer period. ICCI has met with Department staff regarding separate Department rulemaking on this subject as directed by the Commission at the May 2008 meeting. ICCI intends to submit a letter to the Commission agreeing to an extension regarding Commission action on its Petition and also to correct an error in its Petition pointed out during the Commission's June 2008 meeting.

Wayne Gieselman
Administrator
Environmental Services Division

June 16, 2008



We talk. We act. We get it done.

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June 17, 2008

To care of Iowa DNR
Wallace Building
502 E. 9th Street
Des Moines, IA 50319

Dear EPC members,

On May 13, 2008, Iowa Citizens for Community Improvement (Iowa CCI) filed its Petition for Rule Making for amendments regarding the application of manure on frozen ground. In the Introduction of the Petition we indicated our desire that the rules pertaining to operations which require manure management plans be amended to regulate the application of manure on frozen ground. However, in the Language of Rules portion of our Petition we suggested the addition of a new paragraph "e" to 567 IAC 65.3(2). We now realize that 567 IAC 65.3(2) pertains to all confinement feeding operations unless the language is limited otherwise. Therefore, Iowa CCI hereby amends its Petition by modifying suggested paragraph "e" to read as follows:

e. Manure application on frozen or snow-covered cropland. For confinement feeding operations required to submit a manure management plan to the department pursuant to rule 65.16(455B), manure application on frozen or snow-covered ground is prohibited.

Second, Iowa CCI recognizes that the DNR is currently working on rulemaking on this subject as requested by the Commission. Therefore, Iowa CCI hereby authorizes an indefinite extension of the usual 60 day period for the Commission to act on Iowa CCI's Petition until further notice. It is Iowa CCI's intent to monitor and participate in the DNR's rulemaking efforts in this matter and to notify the Commission in writing regarding a new deadline for ruling on its Petition or regarding other disposition of its Petition.

A handwritten signature in black ink, appearing to read 'Hugh Espey', is written over a white background.

Hugh Espey
Executive Director
Iowa Citizens for Community Improvement